

REMARKS

Claims 40-90 are pending in the application. Claims 60-62, 89 and 90 stand allowed. Claims 79 and 80 are objected to and the remaining claims, 40-59, 63-78 and 81-88 stand rejected. The Applicant has amended claims 40, 54 and 63 in view of comments from the Examiner. The present amendment is not intended to change the scope of the claims, but rather further prosecution by providing additional descriptive language within the claims as recommended by the examiner. The arguments presented in previous responses are maintained, but for clarity and focus are not reproduced.

Rejection under 35 U.S.C. §112 2nd paragraph

The Advisory Action maintained the rejection of Claim 63. The Applicant, in view of this discussion and input from the Examiner amended claim 63 to recite a "angular polarization difference between". The Applicant submits that this amendment renders the rejection moot.

Rejection under 35 U.S.C. §102(b)

The Advisory Action maintained the Office Action's rejection of Claims 40-59, 63-67, 83-86 and 88 as being anticipated by Nuding et al. ("Nuding") US Patent No. 4,311,973. The Applicant has amended claim 40 in view of the discussions with Examiner.

The amendment to claim 40 recites *inter alia* "means for coupling said first and second paths including a plurality of means for rotating the polarization of the signal in a plurality of

increments from said first polarization to said second polarization." The Applicant submits, *arguendo*, even taking the Examiners interpretation of Nuding, that Nuding does not show, teach or suggest "a plurality of means for rotating the polarization of the signal".

The Applicant submits the rejection of claim 40 is improper and should be withdrawn. Likewise the rejection of claims 41-53 should be withdrawn as they depend from claim 40, notwithstanding additional patentable features present therein.

Independent claim 54 as currently amended recites *inter alia* "...wherein a signal propagating has a first polarization in said first path and a second polarization in said second path, the improvement wherein the polarization of the signal is rotated in a plurality of increments by a plurality of rotating means." Thus, for the same reasons discussed in regards to claim 40, the rejection of claim 54 is improper and should be withdrawn. Likewise the rejection of claims 55 and 56 should be withdrawn as they depend from claim 54.

Independent claim 57 recites *inter alia*, "...and a coupler configured for a third polarization, the improvement wherein said coupler is configured to effect substantially equal changes in the polarization of a signal propagating through said system at the junction of said first wave guide and said coupler and at the junction of said coupler and said second wave guide." As acknowledged in the interview, Nuding does not disclose a coupler configured for a third polarization, much less a coupler who's polarization effects equal changes from the first polarization and the second polarization. Therefore, changes in polarization at two junctions, much less equal changes, cannot be construed to be disclosed by Nuding.

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The rejection of claim 57 by Nuding is improper and should be withdrawn. Likewise, the rejection of claims 58 and 59 should also be withdrawn as they depend from Claim 57. The rejection of claims 63, 64 and 65 should also be withdrawn for similar reasons as discussed above and in previous responses.

Independent claim 66 recites *inter alia* "the step of coupling the antenna to the wave guide through a coupler configured for a signal polarization different from both of the two polarizations." The Examiner has acknowledged that the coupler of Nuding does not show, teach or suggest a third polarization, much less one different from both of the two other polarizations. Thus the rejection of Claim 66 is improper and should be withdrawn. Likewise, the rejection of Claim 67 which depends from claim 66 is improper and should be withdrawn, irrespective of its additional patentable features.

Applicants refer to the arguments presented in previous responses regarding the rejection of Claims 83-86 and 88. In view of these arguments and the interview with the Examiner, the Applicant requests withdrawal of the rejection and allowance of the claims.

Rejection under 35 U.S.C. §103(a).

The Applicant simply refers to the arguments against the rejections of Claims 68-78, 81, 82 and 87 presented in the previous responses. These arguments taken in light of the Examiner's comments regarding Nuding, clearly render the rejections improper. The Applicant requests withdrawal and allowance of Claims 68-78, 81, 82 and 87.

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Claim Objections

Claims 79 and 80 depend from base claims the Applicant submits are allowable for the reasons above and thus should be allowable.

INTERVIEW SUMMARY

The Applicant, via counsel Mark Comtois and Patrick Muldoon, interviewed the Examiner Michael Wimer, on March 12, 2003. The Applicant and the Examiner discussed the present invention as generally described by all the claims and specifically discussed claims 40, 57 and 63, and the cited reference Nuding et al.

Regarding claim 63, the Examiner explained in the interview that the rejection was predicated on a perceived indefiniteness about what the relative difference between the polarization could be, specifically cites the nature of the difference between a right handed circular polarization and a left handed circular polarization. The Examiner suggested that an indication of the type of difference, such as angular difference would in his view overcome the 112 2nd rejection.

Regarding the seminal claim 40, the Examiner described his interpretation of Nuding. In the Examiners view although only one change in polarization configuration for a given signal is shown by Nuding. In the real world, the polarization change of the signal is not abruptly accomplished and that the E vector changes over a continuum from the first polarization to the second polarization. It was from this view that the Examiner formed the rejection of the claims.

The Applicant presented arguments against such a reading of the prior art, specifically with regards to the Examiners previously held position, that since Nuding was adjustable, the signal could be rotated a plurality of increments. The Applicant reaffirmed arguments presented in previous responses.

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The Examiner indicated that his reading of the claim language "a plurality of increments" included a continuum of increments whether caused by one means or a plurality of means. The Examiner indicated "a plurality of means", if included in claim 40, would be viewed favorably towards patentability.

The Applicant disagreed with the Examiner's interpretation of the claim language and application of Nuding in the rejections.

Regarding claim 57, the Examiner conceded that claim 57 was probably not anticipated by Nuding and suggested reasserting argument directed to the claims.

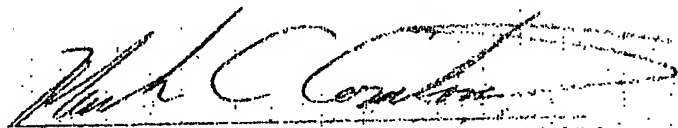
The Applicant and Examiner came to a general agreement that amendments to claims 40, 54 and 63 could be made that in the Examiner's opinion would place the application in condition for allowance. The Examiner agreed to substantially review any additional amendment made in connection with the interview.

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CONCLUSION

In view of discussions with the Examiner, amendments to the claims and asserted arguments herein and in previous responses, the Applicant submits all the present claims are allowable over the cited art. The withdrawal of the rejections and allowance of the application is accordingly solicited.

Respectfully submitted,



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